

REMARKS

Claims 17, 18, 20, 23, 25-30 and new claims 31-40 are now in this application. Claims 1-16, 19, 21, 22 and 24 are cancelled. Claims 17, 18, 20, 23 and 25-30 are rejected. Claims 17, 18, 23 and 30 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Rejections under 35 U.S.C. §112

Claim 30 is rejected under 35 U.S.C. §112, first paragraph, on the grounds that the vertical ribs are not “parallel” to one another but rather are “generally parallel” to one another.

Claim 30 is amended to specify that the vertical ribs are generally parallel to one another as shown in the drawings.

Claim 18 is rejected under 35 U.S.C. §112, second paragraph, in view of an informality in the claim relating to the “upper wall part”.

Claim 18 is amended to specify that the body includes an upper wall part which is “arranged above said at least two circumferential wall parts of said circumferential wall”, i.e. the upper wall part is not the same as the circumferential wall parts mentioned in claim 17.

In view of the changes to claims 18 and 30, it is respectfully submitted that the Examiner's rejections of these claims under 35 U.S.C. §112 have been overcome and should be removed.

Claim Rejections-35 U.S.C. §103

Claims 17, 18, 23, 25, 26 and 28-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Newman et al. reference (U.S. Patent No. 4,832,202) in view of the Sorensen reference (U.S. Patent No. 4,846,350).

The Examiner's rejection is respectfully traversed in view of amendments to independent claim 17. Claim 17 is amended to specify that an outer radial edge of the vertical ribs is positioned radially outward from the circumferential wall more than the subsidiary ribs are positioned radially outward from the circumferential wall such that only the outer edges of the vertical ribs form a radially outermost portion of the container between the bottom wall and the upper end of the circumferential wall. In this manner, the outer edges of the vertical ribs are adapted to contact an inward facing surface of a label without the interposition of the subsidiary ribs between the inward facing surface of the label and the vertical ribs.

By positioning an outer end or edge of each vertical rib radially outward further than the subsidiary ribs and forming a radially outermost portion of the container between the bottom wall and the upper end of the circumferential wall

from the outer edges of the vertical ribs, an inwardly facing surface of a heat-shrinkable label 18 may contact the vertical ribs 7 directly without being blocked by any other parts or members of the container. This feature is clearly shown in Fig. 1 wherein the cross-section through the subsidiary rib 14 shows that it has a radial dimension less than the radial dimension of the vertical rib 7, and a space can clearly be seen between the outer radial edges of the subsidiary ribs 14 and the outer radial edges of the vertical ribs 7.

The radially outermost portion of the container is also defined by the upper wall part 5 but this portion is located above the upper end of the circumferential wall so that between the upper end of the circumferential wall and the bottom wall, the radially outermost portion of the container is defined solely by the outer edges of the vertical ribs.

An advantage of a container in which only radially outward edges of vertical ribs define a radially outermost portion adapted to receive a label is that, when the label is applied, the container can be held safely and securely by grasping the container around the label even though the vertical ribs cannot be seen (as they are covered by the label).

The cited prior art does not disclose the construction of vertical ribs and subsidiary ribs relative to one another to provide the vertical ribs with a radially outward edge which extends further from a circumferential wall than the subsidiary

ribs and which radially outward edges of the vertical ribs are the outermost portion of the container between a bottom wall and an upper end of a circumferential wall.

Newman et al. describes a container having a circumferential wall formed in a stepwise manner. The vertical ribs 10 extend over only a part of the container 1 so that the radially outermost portion of the container 1 is defined by the outer edges of the ribs 10 and also by the smooth outer surface of the side wall 3.

Sorensen '350 describes a stackable cup with subsidiary ribs but without any vertical ribs.

Thus, Newman et al. and Sorensen '350 do not disclose vertical ribs having outer edges which form a radially outermost portion of the container between a bottom wall of a container and an upper end of the circumferential wall and therefore cannot be combined to render the embodiment of the invention set forth in claim 17, or the embodiments of claims 18, 23, 25, 26 and 28-30 which depend from claim 17, unpatentable.

Claims 20 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Newman et al. and Sorensen '350 references and further in view of the Schwartz, Schad or Chaplin references (U.S. Patent Nos. 3,169,689, 3,169,688 and Des 159,599, respectively).

Schwartz describe a container with vertical ribs formed on the circumferential wall. The vertical ribs are segmented into pieces at a thicker wall

portion of the container which define the radially outermost portion of the container.

Schad describes a container with generally parallel vertical ribs

Chaplin describes a container with a circumferential wall segmented into different sections and including vertical ribs.

Schwartz, Schad and Chaplin do not disclose subsidiary ribs in combination with vertical ribs and therefore cannot teach or suggest the particular construction of the vertical ribs relative to the subsidiary ribs as now set forth in claim 17.

In view of the changes to claim 17 and the arguments presented above, one skilled in the art could not combine Newman et al., Sorensen '350, Schwartz, Schad and Chaplin and arrive at the embodiments of the invention set forth in claims 17, 18, 20, 23 and 25-30.

Claims 17, 18, 20, 23 and 25-30 are also rejected under 35 U.S.C. §103(a) as being unpatentable over the Schwartz or Chaplin references in view of the Sorensen '350 reference.

The containers of Schwartz and Chaplin do not include both vertical ribs and subsidiary ribs while the container of Sorensen '350 does not include vertical ribs. As such, none of the cited prior art references include both vertical ribs and subsidiary ribs and therefore cannot teach or suggest the relative construction of the vertical ribs and subsidiary ribs as set forth in independent claim 17.

In view of the foregoing, one skilled in the art could not combine Schwartz, Chaplin and Sorensen '350 and arrive at the embodiment of the invention set forth in claim 17 as well as the embodiments set forth in claims 18, 20, 23 and 25-30 which depend from claim 17.

In view of changes to claim 17 and the arguments presented above, it is respectfully submitted that the Examiner's rejections of the claims have been overcome and should be removed and that the present application is now in condition for allowance.

New claims

Claims 31-40 are added. Claim 31 is directed to the feature of the upper wall part 5 having an outer surface contiguous with the outer radial edges of the vertical ribs 7 and adapted to contact a circumferential wall part of the label 18. This feature is shown in Fig.1 wherein the transition between the upper wall part 5 and the vertical rib (on the right side of the illustration) is smooth.

Claim 32 is a second independent claim including the feature of the container including an upper wall part arranged above the circumferential wall parts of the circumferential wall and having a flange formed around an upper open end of the body and an annular ledge arranged between the upper wall part and the circumferential wall and serving as an indication line for indicating a suitable limit of fluid receivable in the body. Further, claim 32 includes the feature of an outer

radial edge of the vertical ribs being positioned radially outward from the circumferential wall more than the subsidiary ribs are positioned radially outward from the circumferential wall such that only the outer edges of the vertical ribs and the upper wall part form a radially outermost portion of the container except for the flange. This feature is shown I Fig. 1 wherein the radially outermost portion of the container is defined by (from the top of the container to the bottom) the flange 2, the upper wall part 5 and the outer edges of the vertical ribs 7.

Claims 33-40 set forth additional features of the container of claim 32 similar to those set forth in dependent claims 20, 23 and 25-30.

The prior art cited by the Examiner does not disclose a container having an upper wall part and vertical ribs having outer radial edges which define an outermost radial portion of the container, except for a flange.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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